

APR 28 2004

FEDERAL ELECTION COMMISSION  
999 E Street, N.W.  
Washington, D.C. 20463

SECRETARIAT

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FIRST GENERAL COUNSEL'S REPORT

**SENSITIVE**

MUR: 5355

DATE COMPLAINT FILED: March 13, 2003

DATE OF NOTIFICATION: March 20, 2003

DATE OF ACTIVATION: October 6, 2003

EXPIRATION OF STATUTE OF LIMITATIONS:

January 13, 2005

COMPLAINANT:

Lawrence M. Noble

Paul Sanford

Center for Responsive Politics

RESPONDENTS:

Value in Electing Women Political Action Committee

Barbara W. Bonfiglio, as treasurer

Promoting Republicans You Can Elect Project

Barbara W. Bonfiglio, as treasurer

Shelly Moore Capito for Congress

Reed Spangler, as treasurer

Jennifer Carroll for Congress

Charles J. Curry, as treasurer

Johnson for Congress 2000

Gloria Goode, as treasurer

Runbeck for Congress

Richard Runbeck, as treasurer

Johnson for Congress

John Evelth, as treasurer

Friends of Connie Morella for Congress

Carolyn H. Milkey, as treasurer

Northup for Congress

James L. Meagher, as treasurer

Heather Wilson for Congress

David A. Archuleta, as treasurer

Abigail S. Wexner

RELEVANT STATUTES AND REGULATIONS: 2 U.S.C. § 433(b)(2)  
2 U.S.C. § 441a(a)(1)  
2 U.S.C. § 441a(a)(2)  
2 U.S.C. § 441a(a)(5)  
2 U.S.C. § 441a(f)  
11 C.F.R. § 110.1  
11 C.F.R. § 110.2  
11 C.F.R. § 110.3

INTERNAL REPORTS CHECKED: Disclosure Reports  
Contributors Indices

FEDERAL AGENCIES CHECKED: None

## I. INTRODUCTION

This matter involves two multicandidate committees that have a relationship with Representative Deborah Pryce of Ohio's 15<sup>th</sup> Congressional District: Value in Electing Women Political Action Committee (VIEW PAC) and Promoting Republicans You Can Elect Project (Pryce Project). The complaint alleges that by virtue of their relationship to Representative Pryce, these two committees are affiliated, failed to report their affiliation, and made and received contributions that exceeded a shared limit. The complaint similarly alleges that eight federal candidate committees received excessive aggregate contributions from VIEW PAC and Pryce Project.

Both VIEW PAC and Pryce Project categorically deny that they are affiliated with each other.<sup>1</sup> While Pryce Project readily admits that it is Representative Pryce's leadership PAC and that she is the Chair of the committee, VIEW PAC denies

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<sup>1</sup> The Commission received responses from VIEW PAC, filed by Barbara W. Bonfiglio in her capacity as Treasurer ("VIEW PAC Response"). Pryce Project and the committees of Shelly Moore Capito for Congress, Nancy Johnson for Congress, Northrup for Congress and Heather Wilson for Congress filed a joint response and are jointly represented by counsel, Donald F. McGahn, II (referred to herein as the "Pryce Project Response"). Linda Runbeck personally filed her response on behalf of Runbeck for Congress (the "Runbeck Response"). Abigail S. Wexner, the individual contributor, filed a response through counsel, Benjamin L. Ginsberg of Patton Boggs LLP (the "Wexner Response"). The Commission received no responses from Jennifer Carroll for Congress and Friends of Connie Morella for Congress.

1 Representative Pryce plays any significant role in its affairs.<sup>2</sup> Given publicly available  
2 information, combined with the comprehensive affidavits and responses submitted by  
3 VIEW PAC and Pryce Project, this Office believes that, on balance, there is not evidence  
4 sufficient to meet the “reason to believe” threshold indicating that VIEW PAC and Pryce  
5 Project are affiliated. Accordingly, there appears to be no reason to believe that any  
6 respondent violated the Act in this matter.

7 **II. FACTUAL AND LEGAL ANALYSIS**

8 **A. Background**

9 Pryce Project is a multicandidate committee that initially registered with the  
10 Commission on September 25, 1997.<sup>3</sup> (Attach. 3). Pryce Project considers itself to be a  
11 “garden-variety” leadership PAC, established by Representative Pryce for the purpose of  
12 raising funds that are then contributed to competitive Republican House candidates.  
13 (Pryce Project Response at 2). At no time has Pryce Project listed VIEW PAC or any  
14 other affiliated committees on its Statement of Organization. (Attach. 2). Although  
15 Pryce Project employs the same professional treasurer, Barbara W. Bonfiglio, as VIEW  
16 PAC, both committees assert that they are not established, financed, maintained or  
17 controlled by the same person or group of persons. (VIEW PAC Response at 2; Pryce  
18 Project Response at 2).

19 VIEW PAC is an unauthorized multicandidate committee that first registered with  
20 the Commission on March 18, 1997. (Attachments 1 and 2). VIEW PAC characterizes

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<sup>2</sup> The complaint did not name Representative Pryce individually nor did it name her authorized candidate committee, Pryce for Congress, as Respondents.

<sup>3</sup> Pryce Project originally registered under the name “Next American Century Political Action Committee.” In February 2000, it changed its name to “New American Century Political Action Committee” and in August 2001 the committee changed its name to “Promoting Republicans You Can Elect” or “Pryce Project” as it is commonly known. (Attach. 3).

1 itself as a group of Washington D.C. area professional women whose purpose is to elect  
2 more Republican women to the House of Representatives without a litmus test regarding  
3 their views on abortion. (Attach. 1).<sup>4</sup> Since its inception, VIEW PAC has actively  
4 sought contributions from a variety of individuals and political action committees and has  
5 contributed to a number of committees for Republican women candidates for Congress.  
6 (*Id.*). VIEW PAC's Statement of Organization states that it is not affiliated with any  
7 other committees. (*Id.*).

8 Relying upon published reports by third parties, the complaint alleged, "VIEW  
9 PAC was established by Congresswoman Deborah Pryce." (Compl. 7). Specifically, the  
10 complaint quoted an October 18, 1997 *National Journal* article, which states,  
11 "Pryce...has launched a political action committee [VIEW PAC] that ambitiously aims to  
12 help finance the campaigns of Republican women running for the House." (*Id.*, Exh. A).  
13 The complaint also relied on an October 31, 2002 report in *Roll Call*, which described  
14 VIEW PAC as Congresswoman Pryce's "leadership PAC." (*Id.*, Exh. H).<sup>5</sup>

<sup>4</sup> Prior to 1997, the group functioned as an informal network of individuals who called themselves the Republican Women's Network ("RWN"), and whose activities included hosting issue briefings, honoring GOP women in Congress at the National Convention, sponsoring "meet and greet" sessions and informally raising money for women candidates for public office. (*Id.*).

<sup>5</sup> The complaint also relied upon several media reports for its contention that "Pryce Project was established by Congresswoman Pryce." (Compl. 9). For example, one article published in *The Columbus Dispatch*, May 29, 2000, states that the New American Century PAC (the name by which Pryce Project was known at the time) was "founded by Rep. Deborah Pryce." (*Id.*, Ex. D). An August 2, 2001 article in *Roll Call*, asserts, "Rep. Deborah Pryce (Ohio)...raised \$257,892 for her reelection, and Pryce's Next (*sic*) American Century PAC took in another \$25,580. Overall, Pryce raised \$283,742." (*Id.*, Exh. E). The complaint also cites two additional articles. One report, published in the December 2002 issue of *Political Finance*, *The Newsletter* states, "[l]eadership PACs' are known only to the extent they have been identified by news media and campaign finance research groups... and Promoting Republicans You Can Elect, or PRYCE, is affiliated with Rep. Deborah Pryce." (*Id.*, Exh. F). The other article, published February 3, 2002 in *The Columbus Dispatch*, states, "Pryce had...about \$90,700 in a leadership political action committee called the Promoting Republicans You Can Elect Project." (*Id.* at 8-9, Exh. G). Finally, the complaint relied on the same October 31, 2002 *Roll Call* article previously discussed with respect to VIEW PAC, to support its claim that Pryce Project is Congresswoman Pryce's leadership PAC. (*Id.* at 9, Exh. H). The obvious difference between these the import of the media reports in these two instances is the admission by Pryce Project of such a relationship, versus the denial offered by VIEW PAC.

1 In response to the complaint, VIEW PAC states that Representative Pryce was a  
2 member of the Republican Women's Network when members of the group decided to  
3 establish VIEW PAC in 1997. (VIEW PAC Response at 1). In recognition of her efforts  
4 over the years to encourage women to run for political office, the Board of VIEW PAC  
5 elevated Representative Pryce to the non-voting position of Honorary Chairman. (*Id.*).  
6 Since then, VIEW PAC asserts Representative Pryce's activities have consisted of  
7 assisting VIEW PAC with its fundraising efforts by attending VIEW PAC events and  
8 being "supportive of VIEW PAC's objectives." (*Id.* at 2). VIEW PAC insists that while  
9 Representative Pryce is invited to attend Board meetings, her attendance is not required  
10 and she has no vote. (*Id.*).

11 **B. Discussion**

12 The alleged relationship between VIEW PAC and Pryce Project as set forth in the  
13 complaint is based solely on media reports. These reports imply that Representative  
14 Pryce established, financed, maintained and controlled both VIEW PAC and Pryce  
15 Project as her leadership PACs. Nonetheless, this Office has uncovered no outside  
16 evidentiary support for the proposition that Representative Pryce either directed the  
17 activities of VIEW PAC personally or used one PAC to direct the activities of the other.

18 The Federal Election Campaign Act of 1971, as amended ("the Act") states that  
19 for the purposes of the limitations set forth in 2 U.S.C. §§441a(a)(1) and 441a(a)(2), all  
20 contributions made by political committees "established or financed or maintained or  
21 controlled by any person...or by any group of persons, shall be considered to have been  
22 made by a single political committee." 2 U.S.C. § 441a(a)(5).<sup>6</sup> Committees are

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<sup>6</sup> Section 441a(a)(5) sets forth specific exceptions, none of which is relevant here.

1 considered to be "affiliated" when they are established, financed, maintained or  
2 controlled by the same person or group of persons. 11 C.F.R. §§ 100.5(g) and 110.3(a).<sup>7</sup>  
3 Contributions made to or by such committees shall be considered to have been made to or  
4 by a single committee. 11 C.F.R. § 100.5(g).

5 In ascertaining whether committees are affiliated, the Commission considers a  
6 number of circumstantial factors in the context of the overall relationship of the  
7 committees, to determine if the presence of any factor or factors is evidence of affiliation.

8 *See* 11 C.F.R. §100.5(g)(4)(ii).<sup>8</sup> Such factors include, but are not limited to:

- 9 • whether the allegedly affiliated committees have common overlapping  
10 officers or employees or common overlapping membership which indicates a  
11 formal or ongoing relationship;
- 12 • whether one committee participates in the governance of the other;
- 13 • whether one committee provides funds or goods in a significant amount or on  
14 an ongoing basis to another committee or whether a committee arranges for  
15 funds in a significant amount or on an ongoing basis to be provided to the  
16 allegedly affiliated committee;
- 17 • whether a committee or its agent had an active or significant role in the  
18 formation of the allegedly affiliated committee;
- 19 • whether the allegedly affiliated committees have similar patterns of  
20 contributions or contributors which indicate a formal or ongoing relationship;  
21 and
- 22 • whether other factors, when viewed in context of the overall relationship  
23 between the committees, evidences that one established, financed, maintained,  
24 or controlled the other.

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<sup>7</sup> The definition of affiliated committees, along with the enumerated list of circumstantial factors used by the Commission to determine whether committees are affiliated are codified at 11 C.F.R. §100.5(g). The definition and circumstantial factors are reproduced under another section of the regulations dealing with contribution limitations for affiliated committees at 11 C.F.R. §110.3(a). Since the provisions relevant to this analysis are identical, for simplicity's sake this report will hereinafter refer solely to 110.5(g).

<sup>8</sup> The Commission may also consider other factors relevant to its inquiry. *See* 11 C.F.R. §100.5(g)(4)(ii) (stating "[s]uch factors include, *but are not limited to* ..." the enumerated factors) (emphasis added); see also AO 2000-28 ("The list of ten circumstantial factors set forth in 11 C.F.R. §100.3(a)(3)(ii) is not an exclusive list, and other factors may be considered.") (citing AOs 1999-39 and 1995-36).

1 See 11 C.F.R. §§ 100.5(g)(4)(ii). As detailed below, an application of these criteria to the  
2 facts at issue does not support the complaint's allegation that the VIEW PAC and Pryce  
3 Project are affiliated.

4 **1. Present Overlapping Officers, Employees or Members**

5 Among the factors that the Commission considers when evaluating affiliation are,  
6 "whether a committee has common or overlapping officers or employees" or  
7 "overlapping membership with another committee which indicates a formal or ongoing  
8 relationship between the committees." 11 C.F.R. §§ 100.5(g)(4)(ii)(D-E). In the instant  
9 matter, both VIEW PAC and Pryce Project list Barbara W. Bonfiglio as treasurer and use  
10 the same address. The "membership" of VIEW PAC consists mainly of Washington-  
11 based government affairs representatives, a majority of whom are women. (Affidavit of  
12 Karen Judd Lewis ("*Lewis Aff.*"). Pryce Project, by contrast, is led by Rep. Pryce.  
13 (Pryce Project Response at 2).

14 Since a committee's treasurer must authorize all expenditures made on behalf of  
15 the committee, the sharing of a treasurer might, at first blush, appear to show a "formal or  
16 ongoing relationship" that would suggest that the committees might be "maintained or  
17 controlled by" the same person. *Id.* However, Ms. Bonfiglio appears to be a professional  
18 treasurer who represents over 20 political action committees, the majority of which are  
19 Republican PACs. Additionally, the common address shared by the two committees is  
20 the address of Ms. Bonfiglio's law firm, which is also the listed address for at least 12  
21 other political action committees. According to Pryce Project, Ms. Bonfiglio's duties as  
22 treasurer are solely administrative, consisting primarily of "maintaining and filing reports  
23 with the Commission and related compliance and legal issues." (Pryce Project Response

1 at 2). Outside of Ms. Bonfiglio's service as treasurer for both PACs, and reserving the  
2 question of Representative Pryce's involvement in VIEW PAC to the discussion below,  
3 this Office has uncovered no other instances of overlapping staff or common officers.

4 **2. Participating in the Governance of Another Committee**

5 Another factor that the Commission may consider when evaluating affiliation is  
6 whether one committee has the authority or ability to direct or participate in the  
7 governance of another committee, either formally or through "informal practices or  
8 procedures." *See* 11 C.F.R. § 100.5(g)(4)(ii)(B). VIEW PAC is run by a Board of  
9 Directors (the "Board") and three committees – a candidate review committee, an events  
10 committee and a membership committee. (VIEW PAC Response at 1). VIEW PAC  
11 avers its Board members have no authority, either express or implied, over any of the  
12 activities of Pryce Project. (*Id.*).

13 VIEW PAC decisions made by the Board are based upon the recommendations of  
14 its three respective committees. (VIEW PAC Response at 1). The candidate review  
15 committee makes recommendations regarding contributions to candidates, the events  
16 committee makes recommendations regarding fundraising events and the membership  
17 committee makes recommendations regarding how to increase the PAC's donor base.  
18 (*Id.*). A majority vote of the Board members present is required to approve requests for  
19 contributions to candidates.<sup>9</sup> (*Id.*). Representative Pryce is not, and has never been, on  
20 VIEW PAC's Board of Directors. (*Id.*). While Pryce Project did not detail its decision-

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<sup>9</sup> Although VIEW PAC's Response takes great pains to make it clear that Representative Pryce is minimally involved in the activities of the Board of Directors in her position as Honorary Chairman, the Response is conspicuously devoid of information about her level of interaction with VIEW PAC's three committees. The Response provides no information as to whether Representative Pryce sits on any of the committees; what role, if any, she might play as a committee member; or about her level of informal interaction with any of the committees.

1 making process in its response to the complaint, it appears that Representative Pryce has  
2 sole control over its operations.

3 The two PACs assert that they have separate and distinct boards of directors and  
4 do not share common employees. They also argue that neither PAC participates in the  
5 governance of the other and neither has authority to hire, appoint, demote or otherwise  
6 control officers of the other PAC.

7 Although VIEW PAC also contends that Representative Pryce has no decision-  
8 making authority concerning contributions, one candidate who received a contribution  
9 from that PAC implied that Representative Pryce played some role in the contribution  
10 VIEW PAC eventually made. Responding to the complaint on behalf of her committee,  
11 candidate Linda Runbeck wrote, "I personally met with Rep. Pryce...specifically to  
12 solicit support from VIEW PAC and the support was gratefully received." (Runbeck  
13 Response at 1).

14 There is no evidence to show that Representative Pryce plays a role in the "day to  
15 day" operations of VIEW PAC. The role, if any, that she may play in contribution  
16 decisions is unclear. On the one hand, media accounts submitted with the complaint  
17 identify VIEW PAC as Representative Pryce's "leadership PAC." One candidate reports  
18 that she solicited Representative Pryce for a VIEW PAC contribution and eventually  
19 received one. In contrast with its avowal that Representative Pryce does not sit on its  
20 Board, VIEW PAC's response is silent as to Representative Pryce's relationship with the  
21 PAC's committees. On the other hand, the media accounts do not explain why they  
22 identify VIEW PAC as Representative Pryce's leadership PAC. On this record, it seems  
23 as likely that Representative Pryce simply received and passed on Runbeck's request to

1 VIEW PAC as that she did any more than that; VIEW PAC avers the final decisions  
2 about which candidates receive its support are made by its Board, and that Representative  
3 Pryce does not sit on the Board. On balance, this record may at best support an inference  
4 that Representative Pryce enjoys some degree of influence over VIEW PAC's  
5 contribution decisions; however, nothing here indicates that she may "command" or  
6 "control" such decisions.

7 **3. Providing Funds for the Other Committee**

8 The Commission also considers whether a committee causes or arranges for funds  
9 in a significant amount or an ongoing basis to be provided to another committee. *See* 11  
10 C.F.R. § 100.5(g)(4)(ii)(H). This factor includes indirect financing as evidence of  
11 affiliation, "such as where one entity regularly arranges for a committee to receive  
12 contributions from third parties." (*See* Explanation and Justifications, Affiliated  
13 Committees, Transfers Prohibited Contributions, Annual Contribution Limitations and  
14 Earmarked Contributions, 54 Fed. Reg. 34098, 34100 (Aug. 17, 1999)). VIEW PAC and  
15 Pryce Project state that neither has supported the other financially and that they have  
16 separate fundraising events and compete with one another for funds.<sup>10</sup>

17 A review of the disclosure reports shows that from 1999 through 2002, Pryce  
18 Project made two \$1,000 contributions to VIEW PAC, and VIEW PAC made one \$1,000  
19 contribution to Pryce Project.<sup>11</sup> No other expenditures or in-kind contributions between  
20 the PACs or Pryce's authorized candidate committee were disclosed. In sum, this Office

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<sup>10</sup> VIEW PAC avers that its fundraising is done through "word of mouth" by the Board members as well as through local low dollar fundraising events. (VIEW PAC Response at 2). VIEW PAC invites several Members of Congress (other than Representative Pryce) to attend its fundraising events. (*Id.*).

<sup>11</sup> Pryce Project stated in its Responses that it has never supported or otherwise contributed to VIEW PAC. (Pryce Project Response at 2). However, in light of the information in the disclosure reports, this appears to be simply incorrect.

1 has not uncovered any information indicating that either PAC provided funds, goods or  
2 services to the other or to Representative Pryce or her candidate committee in a manner  
3 so pervasive as to indicate possible affiliation.

4 **4. Committee's Role in Formation**

5 Another factor the Commission considers is whether a committee or its agent had  
6 an active or significant role in the formation of another committee. *See* 11 C.F.R.  
7 § 100.5(g)(4)(ii)(I). Both VIEW PAC and Pryce Project deny that either committee  
8 played any role in the formation of the other.

9 Although the Statements of Organization submitted by VIEW PAC and Pryce  
10 Project were filed by the same individual, Barbara W. Bonfiglio, there seems to be little  
11 or no evidence that VIEW PAC played any role in the formation of the later-registered  
12 Pryce Project. As previously discussed, Ms. Bonfiglio is a professional treasurer who  
13 filed Statements of Organization for at least a dozen other committees in addition to the  
14 ones filed for the subject committees.

15 Despite the media accounts describing Representative Pryce as having "founded"  
16 VIEW PAC, there are no reports or other evidence that VIEW PAC participated in the  
17 formation of Pryce Project as a "spin-off" or as a mechanism to raise additional monies to  
18 support VIEW PAC.

19 **5. Similar Pattern of Contributions or Contributors**

20 Another factor the Commission considers is whether the committees have similar  
21 patterns of contributions or contributors, which indicates a formal or ongoing relationship  
22 between the committees. *See* 11 C.F.R. § 100.5(g)(4)(ii)(J). By examining patterns of  
23 contributions and contributors in the committees' disclosure reports, this factor

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1 “provide[s] objective evidence of affiliating conduct.” 54 Fed. Reg. at 34100. If the  
2 PACs were affiliated or controlled by Representative Pryce, we would expect to see  
3 strong similarities in the donors who made contributions to both committees and/or an  
4 above average correlation in the contributions and expenditures made by both PACs.  
5 Instead, after reviewing the disclosure reports submitted by both committees during the  
6 1999-2000 and 2001-2002 election cycles, we did not find that such a correlation exists.

7 While both PACs received contributions from some of the same contributors, the  
8 correlation is not particularly strong for the 1999-2000 election cycle; it is stronger, but  
9 not large, in the 2001-2002 election cycle. During the 1999-2000 election cycle VIEW  
10 PAC and Pryce Project received contributions from a total of 228 and 187 donors,  
11 respectively. For that cycle both PACs shared only 17 common contributors;  
12 contributions received from those shared donors accounted only for 34% of the total  
13 donations received by VIEW PAC and 10% of the donations received by Pryce Project.  
14 Similarly, for the 2001-2002 election cycle 235 donors made contributions to VIEW PAC  
15 and 290 donors made contributions to Pryce Project. The PACs had 56 common  
16 contributors whose contributions accounted for 54% and 24%, respectively, of the total  
17 amounts received by VIEW PAC and Pryce Project. These figures are reflected in  
18 Diagram A below.<sup>12</sup>

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<sup>12</sup> While on the surface it may appear that the dollar amounts received by common contributors accounts for a large percentage of VIEW PAC's total contributions, it is worth remembering that both PACs solicited donations from a pool of contributors that is somewhat limited by ideology.

DIAGRAM A

Total Contributions Received from 1999-2000 Cycle

PAC	# Common Contributors/ Percentage of all contributors	Contribution Amt from Common Contributors/ Percentage of total contributions received	Total # of Contributors	Total Amount of Contributions Received in election cycle
VIEW PAC	17 (7.5%)	\$65000 (34.2%)	228	\$190050
Pryce Project	17 (9%)	\$29500 (9.9%)	187	\$296940

Total Contributions Received 2001-2002 Cycle

PAC	# Common Contributors/ Percentage of all contributors	Contribution Amt from Common Contributors/ Percentage of total contributions received	Total # of Contributors	Total Amount of Contributions Received in election cycle
VIEW PAC	56 (23.8%)	\$144250 (54.3%)	235	\$265640
Pryce Project	56 (19.3%)	\$141052 (24.1%)	290	\$583398

1  
2 In addition, while both PACs made contributions to some of the same campaign  
3 committees, the number of committees to which they both made donations is not  
4 unusually high given the circumstances. During the 1999-2000 election cycle VIEW  
5 PAC made contributions to 22 committees and Pryce Project made contributions to 67  
6 committees. For that cycle there were only 7 campaign committees to which they both  
7 made contributions. For the 2001-2002 election cycle VIEW PAC contributed to 24  
8 committees and Pryce Project contributed to 96 campaign committees. The PACs  
9 contributed to 15 of the same committees. These figures are reflected in Diagram B  
10 below.

DIAGRAM B

Contributions Made 1999-2000 Cycle

PAC	# Common Committees/ Percentage of all Committees	Contribution \$ Amount Given to Common Committees/ Percentage of total contributions	Total # of Committees to Receive Contributions	Total \$ Amount of Contributions Made in Election Cycle
VIEW PAC	7 (31.8%)	\$49500 (58.5%)	22	\$84500
Pryce Project	7 (10.4%)	\$14500 (10.1%)	67	\$143700

Contributions Made 2001-2002 Cycle

PAC	# Common Committees/ Percentage of all Committees	Contribution \$ Amount Given to Common Committees/ Percentage of total contributions	Total # of Committees to Receive Contributions	Total \$ Amount of Contributions Made in Election Cycle
VIEW PAC	15 (62.5%)	\$87723 (75.6%)	24	\$115946
Pryce Project	15 (15.6%)	\$34500 (13.3%)	96	\$258824

1 In both cycles a significant percentage of the dollars contributed by VIEW PAC  
2 went to candidates who also received contributions from Pryce Project. However, this  
3 fact does not necessarily indicate affiliation between the two committees. First, the  
4 correlation does not run both ways; small percentages of the dollars contributed by Pryce  
5 Project in both cycles went to candidates who also received contributions from VIEW  
6 PAC. Secondly, the universe of VIEW PAC's recipients appears to have been limited by  
7 VIEW PAC's mission. Pryce Project supported Republican candidates in general; VIEW  
8 PAC supported the more limited group of Republican candidates who were women.  
9 Thus, the donation patterns are not particularly surprising.

10 **6. Miscellaneous factors**

11 Finally, the Commission may also consider any other factors that provide  
12 "evidence of one committee ... having established, financed, maintained or controlled by  
13 another committee...." 11 C.F.R. § 100.5(g)(4)(ii). For example, the Commission has  
14 examined patterns of common expenditure among committees. (See, e.g., MUR 1870  
15 (Waxman Campaign Committee), GCR dated May 8, 1985, pp. 4-8) Based on the  
16 disclosure reports filed with the Commission, however, neither of the PACs appears to  
17 have used the same vendors. With the exception of disbursements made to the law firm  
18 of Williams and Jensen, P.C. (Ms. Bonfiglio's firm) for "legal fees and expenses," the  
19 PACs made no common vendor disbursements or expenditures. Moreover, the

1 disbursements to Williams and Jensen are for different amounts and were made on  
2 different dates.

3 C. Conclusion

4 In weighing the available information this Office recognizes that certain  
5 information bearing on affiliation – such as Representative Pryce’s honorary  
6 chairmanship, her relationship with VIEW PAC prior to its formation as a PAC, and the  
7 Runbeck response – may imply that Representative Pryce has a degree of informal  
8 influence over VIEW PAC’s decision-making. However, there is nothing concrete on  
9 this record that even raises substantial questions as to whether that influence rises to the  
10 level of control. The only evidence even arguably pointing toward affiliation is some  
11 degree of overlap in the two committees’ contribution patterns, but that overlap is not  
12 surprising under the circumstances just described.<sup>13</sup>

13 Accordingly, this Office recommends that the Commission find no reason to  
14 believe that VIEW PAC and Barbara W. Bonfiglio, as treasurer, and Pryce Project and  
15 Barbara W. Bonfiglio, as treasurer, violated 2 U.S.C. § 433(b)(2) by failing to identify  
16 and disclose their affiliation in their respective Statements of Organization, or 2 U.S.C.  
17 §§ 441a(a)(2) and 441a(f) by making and receiving excessive contributions in connection  
18 with the affiliation-related allegations in the Complaint.

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<sup>13</sup> The circumstances present here are different from those in MUR 5328 (PAC to the Future, Team Majority and Nancy Pelosi for Congress). There, the treasurer for both PACs admitted establishing Team Majority as a spin-off of PAC to the Future for the primary purpose of increasing the amount of “hard money” that could be raised and contributed to the election campaigns supported by Pelosi. The only similarity is that both complaints alleged that a Member of Congress had established two affiliated “leadership PACs.” The facts of this MUR are more like those present in MUR 5121 (New Democratic Network), where the Commission found that inferences about the possible degree of informal influence that a Member of Congress might have had on a non-connected committee’s contribution decisions were not enough to sustain reason to believe findings based on alleged affiliation between that committee and the Member’s campaign committee.

1 The remaining allegations regarding excessive contributions brought against the  
2 eight individual candidate committees and the individual contributor are also based on the  
3 alleged affiliation between VIEW PAC and Pryce Project. Having determined that there  
4 is no reason to believe that such allegations are well-founded, this Office recommends  
5 that the Commission find no reason to believe that the following respondents violated any  
6 provision of the Act or Commission regulations in connection with this MUR: Shelly  
7 Moore Capito for Congress and Reed Spangler, as treasurer; Jennifer Carroll for  
8 Congress and Charles J. Curry, as treasurer; Johnson for Congress-2000 and Gloria  
9 Goode, as treasurer; Runbeck for Congress and Richard Runbeck, as treasurer; Johnson  
10 for Congress and John Eveleth, as treasurer; Friends of Connie Morella for Congress and  
11 Carolyn H. Milkey, as treasurer; Northup for Congress and James L. Meagher as  
12 treasurer; Heather Wilson for Congress and David A. Archuleta, as treasurer; and Abigail  
13 S. Wexner.

14 **III. RECOMMENDATIONS**

15 1. Find no reason to believe that Value in Electing Women Political Action  
16 Committee (VIEW PAC) and Barbara W. Bonfiglio, as treasurer, and Promoting  
17 Republicans You Can Elect Project (Pryce Project) and Barbara W. Bonfiglio, as  
18 treasurer, violated 2 U.S.C. §§ 433(b)(2), 441a(a)(2) and 441a(f).  
19

20 2. Find no reason to believe that the following respondents violated any  
21 provision of the Federal Election Campaign Act of 1971, as amended, or Commission  
22 regulations in connection with this matter:

- 23 a) Shelly Moore Capito for Congress and Reed Spangler, as treasurer;  
24 b) Jennifer Carroll for Congress and Charles J. Curry, as treasurer;  
25 c) Johnson for Congress-2000 and Gloria Goode, as treasurer;  
26 d) Runbeck for Congress and Richard Runbeck, as treasurer;  
27 e) Johnson for Congress and John Eveleth, as treasurer;  
28 f) Friends of Connie Morella for Congress and Carolyn H. Milkey, as  
29 treasurer;

- 1 g) Northup for Congress and James L. Meagher as treasurer;  
2 h) Heather Wilson for Congress and David A. Archuleta, as treasurer; and  
3 i) Abigail S. Wexner.  
4  
5 3. Approve the appropriate letters.  
6  
7 4. Close the file.  
8  
9

Lawrence H. Norton  
General Counsel

4/28/04  
Date

By:

*Rhonda J. Vosdingh*  
Rhonda J. Vosdingh  
Associate General Counsel for Enforcement

*Mark D. Shonkwiler*  
Mark D. Shonkwiler  
Assistant General Counsel

*Camilla Jackson Jones*  
Camilla Jackson Jones  
Attorney

- 10 Attachments:  
11 1. Response from VIEW PAC dated May 1, 2003 with affidavits  
12 2. VIEW PAC's Statement of Organization  
13 3. Response from Pryce Project dated April 30, 2003

# STATEMENT OF ORGANIZATION

(See reverse side for instructions)

1. (a) NAME OF COMMITTEE IN FULL Value In Electing Women Political Action Committee	<input type="checkbox"/> (Check if name is changed)	2. DATE April 23, 1997
(b) Number and Street Address 1155 21st Street, NW, Suite 300	<input type="checkbox"/> (Check if address is changed)	3. FEC IDENTIFICATION NUMBER
(c) City, State and ZIP Code Washington, DC 20036	APR 23 2 50 PM '97	4. IS THIS STATEMENT AN AMENDMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

## 5. TYPE OF COMMITTEE (Check one)

- ☐ (a) This committee is a principal campaign committee. (Complete the candidate information below.)
- ☐ (b) This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)
- |                   |                             |               |                |
|-------------------|-----------------------------|---------------|----------------|
| Name of Candidate | Candidate Party Affiliation | Office Sought | State/District |
|                   |                             |               |                |
- ☐ (c) This committee supports/opposes only one candidate \_\_\_\_\_ and is NOT an authorized committee. (name of candidate)
- ☐ (d) This committee is a \_\_\_\_\_ committee of the \_\_\_\_\_ Party. (National, State or subordinate) (Democratic, Republican, etc.)
- ☐ (e) This committee is a separate segregated fund.
- ☒ (f) This committee supports/opposes more than one Federal candidate and is NOT a separate segregated fund or a party committee.

Name of Any Connected Organization or Affiliated Committee	Mailing Address and ZIP Code	Relationship
N/A		

## Type of Connected Organization

☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization ☐ Membership Organization ☐ Trade Association ☐ Cooperative

## 7. Custodian of Records: Identify by name, address (phone number -- optional) and position of the person in possession of committee books and records.

Full Name	Mailing Address	Title or Position
Barbara W. Bonfiglio	1155 21st Street, NW, Suite 300 Washington, DC 20036	Treasurer

## 8. Treasurer: List the name and address (phone number -- optional) of the treasurer of the committee; and the name and address of any designated agent (e.g., assistant treasurer).

Full Name	Mailing Address	Title or Position
Barbara W. Bonfiglio	1155 21st Street, NW, Suite 300 Washington, DC 20036	Treasurer

## 9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.	Mailing Address and ZIP Code
First Union	740 15th Street, NW Washington, DC 20005

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER	SIGNATURE OF TREASURER	DATE
Barbara W. Bonfiglio	<i>Barbara W. Bonfiglio</i>	04/23/97

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

For further information contact:  
Federal Election Commission  
Toll-free 800-424-9530  
Local 202-376-3120

**FEC FORM 1**  
(revised 4/87)

Attachment 2

Page 1 of 4

Federal Election Commission  
ENVELOPE REPLACEMENT PAGE  
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DATE OF RECEIPT



Other (Specify):

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and/or DATE OF RECEIPT

*Seb*

PREPARER

4-24-97

DATE PREPARED

FEC FORM 70-2 (12/82)

Attachment 2  
Page 2 of 4

# NOTIFICATION OF MULTICANDIDATE STATUS

(See reverse side for instructions)

This form should be filed after the Committee qualifies as a multicandidate committee.

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FEDERAL ELECTION  
COMMISSION MAIL ROOM

JAN 26 11 30 AM '98

1. (a) NAME OF COMMITTEE IN FULL

Value In Electing Women Political Action Committee

(b) Number and Street Address

1155 21st Street, N.W., Suite 300

(c) City, State and ZIP Code

Washington, D.C. 20036

2. FEC IDENTIFICATION NUMBER

C00327189

3. TYPE OF COMMITTEE (check one)

☐ STATE PARTY

☒ OTHER

I certify that one of the following situations is correct (complete line 4 or 5):

4. **STATUS BY AFFILIATION:** The committee submitted its Statement of Organization (FEC FORM 1) on \_\_\_\_\_ and simultaneously qualified as a multicandidate committee through its affiliation with:

Committee Name: \_\_\_\_\_

FEC Identification Number: \_\_\_\_\_

5. **STATUS BY QUALIFICATION:**

(a) **Candidates:** The committee has made contributions to the five (5) federal candidates listed below (ONLY State party committees may leave this blank.):

	Name	Office Sought	State/District	Date
(i)	Hollister For Congress	Congress	OH-6	12/23/97
(ii)	Kohlmeier For Congress	Congress	IL-12	01/23/98
(iii)	Judy Biggert For Congress	Congress	IL-13	01/23/98
(iv)	Jean Leising For Congress	Congress	IN-9	01/23/98
(v)	Blankenhaker For Congress	Congress	IN-10	01/23/98

(b) **Contributors:** The committee received a contribution from its 51st contributor on: May 26, 1997

(c) **Registration:** The committee has been registered for at least 8 months. FEC FORM 1 was submitted on: April 23, 1997

(d) **Qualification:** The committee met the above requirements on: January 23, 1998

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

TYPE OR PRINT NAME OF TREASURER

Barbara W. Bonfiglio

SIGNATURE OF TREASURER

*Barbara W. Bonfiglio*

DATE

01/26/98

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g. ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

--	--	--	--

For further information contact:  
Federal Election Commission, Washington, DC 20463  
Toll-free 800-424-9530  
Local 202-219-3420

FEC FORM 1M

(2/93)

Attachment

2

Page

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of 14

Federal Election Commission

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of

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